

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE: PHARMACEUTICAL INDUSTRY)	
AVERAGE WHOLESAL PRICE)	MDL NO. 1456
LITIGATION)	
)	CIVIL ACTION: 01-CV-12257-PBS
)	
THIS DOCUMENT RELATES TO:)	Judge Patti B. Saris
ALL CLASS ACTIONS)	
)	

**PLAINTIFFS' NOTICE OF WITHDRAWAL OF
PLAINTIFFS' MOTION TO COMPEL DEFENDANT GLAXOSMITHKLINE, INC.
TO PRODUCE DOCUMENTS IN THE MANNER REQUIRED BY RULE 34(b)**

Please take notice that plaintiffs hereby withdraw Plaintiffs' Motion to Compel Defendant GlaxoSmithKline, Inc. to Produce Documents in the Manner Required by Rule 34(b) dated February 3, 2005.

As of February 3, 2005, when plaintiffs filed their motion, GSK had failed to identify the file source of over 270,000 SmithKline Beecham-heritage documents that it had produced. On June 2, 2005, GSK delivered the last of three supplemental productions of file source information that reduced the number of unsourced documents to a little over 12,000. As a result of GSK's supplemental production and discussions between counsel for the parties following GSK's June 2, 2005 production of this information, the parties have agreed to address outstanding document source issues concerning the remaining SmithKline Beecham-heritage production that were the subject of plaintiffs' motion on a document-by-document basis, with the parties reserving claims and defenses, and specifically without prejudice to plaintiffs' right to renew this motion or seek alternative relief as required.

On June 2, 2005, this motion was scheduled for oral argument before Magistrate Judge Bowler. As a result of GSK's supplemental production, agreement between counsel, and

plaintiffs' withdrawal of motion, plaintiffs suggest that this matter may be removed from the Court's hearing calendar.

Respectfully submitted,

By /s/ David Nalven

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Dated: June 17, 2005

CERTIFICATE OF SERVICE

Docket No. MDL 1456

I, David S. Nalven, hereby certify that I am one of plaintiffs' attorneys and that on June 17, 2005, I caused copies of Plaintiffs' Notice of Withdrawal of Plaintiffs' Motion to Compel Defendant GlaxoSmithKline to Produce Documents in the Manner Required by Rule 34(b) to be served via VeriLaw on all counsel of record.

/s/ David S. Nalven

Dated: June 17, 2005